

December 7, 2010

By electronic mail

Secretary S. Kimberly Belshé
California Health and Human Services Agency
1600 Ninth Street, Room 460
Sacramento, California 95814

Mr. William Barcellona
Co-Chair, California Privacy and Security Advisory Board
c/o California Association of Physician Groups
1215 K Street, Suite 1915
Sacramento, California 95814

Ms. Pamela Dixon
Co-Chair, California Privacy and Security Advisory Board
c/o World Privacy Forum
2033 San Elijo Avenue, No. 402
Cardiff by the Sea, California 92007

**RE: RECONSIDERING THE CALIFORNIA PRIVACY AND SECURITY
ADVISORY
BOARD'S VOTE ON OCTOBER 12, 2010**

Dear Secretary Belshé, Mr. Barcellona, and Ms. Dixon:

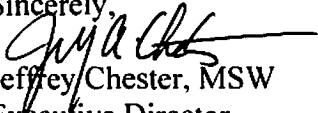
The Center for Digital Democracy (CDD), a consumer privacy group that works in California, respectfully urges the California Privacy and Security Advisory Board to protect the state's health consumers by not reconsidering the proposed HIE Patient Consent Policy. CDD is one of the country's leading nonprofit organizations working to protect health and medical consumer privacy and welfare in the digital era. Our research and analysis is playing a major role in helping the FDA, FTC and HHS make more informed decisions related to health marketing and data collection in a number of current proceedings.

CDD strongly believes that CalPSAB should deny the request for reconsideration. As we explained recently in our November 2010 complaint to the Federal Trade Commission about unfair and deceptive data collection practices in the digital health and medical marketplace, opt-in is the best and most reasonable approach to ensure consumer privacy. Given contemporary health and medical information marketing practices, consumers require effective safeguards so they can make informed decisions about their privacy. An

opt-out standard places California health consumers at risk, and threatens to foster the collection of sensitive information that will likely harm the interests of the public and the state. Our research on digital medical and health information clearly demonstrates that consumers require meaningful safeguards to protect their privacy. An opt-in standard assures Californians that their privacy will be protected in this new environment. The Board should refrain from weakening this critical and key approach to protecting the privacy of health consumers and patients.

My organization stands ready to provide you and your colleagues whatever additional data you may require to ensure opt-in remains the standard in this critical matter.

Sincerely,



Jeffrey Chester, MSW

Executive Director

Center for Digital Democracy

www.democraticmedia.org